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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,909	12/19/2001	Abdus Samad Kudrolli	KSIPL-2	1482
Jay P. Kesan 2420 Nottingham Champaign, IL 61821				
7590 01/27/2011				
EXAMINER				
RUTLEDGE, AMELIA L.				
ART UNIT		PAPER NUMBER		
2176				
MAIL DATE		DELIVERY MODE		
01/27/2011		PAPER		

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ABDUS SAMAD KUDROLLI, FEROZ KUDROLLI, and
PARVEZ KUDROLLI

Appeal 2009-004523
Application 10/020,909
Technology Center 2100

Before, MURRIEL E. CRAWFORD, ANTON W. FETTING and
JOSEPH A. FISCHETTI, *Administrative Patent Judges*.

FISCHETTI, *Administrative Patent Judge*.

DECISION ON APPEAL

The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 1-28. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

SUMMARY OF DECISION

We Affirm-In- Part.

THE INVENTION

Appellants claim a system and method for accommodating elements of an information array within the physical constraints of a predetermined two dimensional display space. (Specification 1:10-12)

Claims 1 and 17, reproduced below, are representative of the subject matter on appeal.

1. A computer executable method for displaying elements of an information array within a predetermined two dimensional display space, wherein the predetermined two dimensional display space is divided into cells formed at intersections of columns and rows, the elements of the information array have corresponding cells for display, and at least two of said elements include text, said method comprising the steps of:
 - (a) determining display space requirement (DSR) for displaying the elements;
 - (b) moderating the DSR value of at least one element to determine its moderated display space requirement (ModDSR) value, wherein said moderating step comprises:
 - (i) selecting an element whose DSR value is larger than the DSR value of at least one element in the column or row to which said

element corresponds; and
(ii) reducing the DSR value of the selected element such that the amount of reduction depends on the difference between the DSR value of said element and a value representative of the DSR values of the elements corresponding to the column or row to which said element corresponds;
(c) allocating column widths and row heights, based on the ModDSR values or on values obtained by using the ModDSR values, such that the total width of all the columns and the total height of all the rows do not exceed the width and height, respectively, of the predetermined two dimensional display space; and
(d) displaying the elements in the space allocated to the corresponding cells.

17. A computer executable method for displaying elements of an information array within a predetermined two dimensional display space, wherein the predetermined two dimensional display space is divided into cells formed at intersections of columns and rows, the elements of the information array have corresponding cells for display, and at least two of said elements include text, said method comprising the steps of:

(a) determining display space requirement (DSR) for displaying the elements;
(b) determining moderated display space requirement (ModDSR) values for elements corresponding to each column or to each row;
(c) measuring the lopsidedness of distribution of larger elements across columns and across rows;
(d) depending upon whether the lopsidedness is greater across columns or across rows, allocating column widths or row heights, respectively, as a first allocation based on ModDSR values or on values obtained by using the ModDSR values and thereafter in a second allocation allocating row heights or column widths, respectively, such that the total width of all the columns and the total height of all the rows do not exceed the width and height, respectively, of the predetermined two dimensional display space; and

(e) displaying the elements in the space allocated to the corresponding cells.

THE REJECTION

The Examiner relies upon the following as evidence of unpatentability:

Shin	US 5,808,914	Sep. 15, 1998
Harada	US 6,246,442	Jun. 12, 2001

The following rejections are before us for review.

The Examiner rejected claims 17-24 under 35 U.S.C. § 102(e) as being anticipated by Harada.

The Examiner rejected claims 1-16 and 25-28 under 35 U.S.C. § 103(a) as being unpatentable over Harada in view of Shin.

ISSUES

Did the Examiner err in rejecting claims 1-16 and 25-28 on appeal as being unpatentable under 35 U.S.C. § 103(a) over Harada in view of Shin on the grounds that a person with ordinary skill in the art would understand that Shin discloses or makes obvious part (b)(i)-(ii) of claims 1 and 25?

Did the Examiner err in rejecting claims 17-24 under 35 U.S.C. § 102(e) as being anticipated by Harada on the grounds that Harada discloses the allocation of column widths or row heights based on space required by content and thus meets the claim requirements?

FINDINGS OF FACT

We find the following facts by a preponderance of the evidence:

1. We adopt the Examiner's findings with respect to the rejection made under 35 U.S.C. § 102(e) as our own.

2. The Specification describes lopsidedness in the context of; “[i]f the larger elements are largely concentrated in one or a few columns, then the distribution is said to be lopsided across columns. If the larger elements are largely concentrated in one or a few rows, then the distribution is said to be lopsided across rows.” (Spec. 57 ll. 33-37).

3. The Specification states that “the measurement of lopsidedness is used as a basis for deciding whether column first allocation or row first allocation will be done....” (Spec. 60 ll. 60)

ANALYSIS

We affirm the rejection of claims 17-24 under 35 U.S.C. § 102 (e) as anticipated by Harada, and reverse the rejection of claims 1-16 and 25-28 under 35 U.S.C. § 103(a) as being unpatentable over Harada in view of Shin.

Claims 17-24 rejected under 35 U.S.C. § 102(e) as anticipated by Harada.

Appellants argue that Harada “does not teach measuring the lopsidedness of distribution of larger elements across columns and across rows, and it does not teach the conditional allocation of column widths or row heights as a first allocation....” (Appeal Br. 25).

Claim 17.

Preliminarily we address the scope of claim 17. Claim 17 recites in pertinent part: *(d) depending upon whether the lopsidedness is greater across columns or across rows, allocating column widths or row heights, respectively, as a first allocation based on ModDSR values or on values obtained by using the ModDSR values and thereafter in a second allocation allocating row heights or column widths, respectively,....*

The Specification describes “lopsidedness” in the context of; “[i]f the larger elements are largely concentrated in one or a few columns, then the distribution is said to be lopsided across columns. If the larger elements are largely concentrated in one or a few rows, then the distribution is said to be lopsided across rows.” (FF 2). The Specification goes on to describe that “the measurement of lopsidedness is used as a basis for deciding whether column first allocation or row first allocation will be done....” (FF 3).

However, Appellants’ claim language does not cover what the Specification describes. Instead it recites if “*lopsidedness is greater across columns or across rows, allocating column widths or row heights, respectively, as a first allocation*”. This language does not cover using the measurement of lopsidedness as a basis for deciding whether column first allocation or row first allocation will be done because the “if” condition is written to cover both, columns or rows, in the alternative, and thus is an indistinguishable condition.

Based on this analysis, we interpret claim 17 not to require a conditional allocation of column widths or row heights as a first allocation,

but rather interpret claim 17 to only require measuring lopsidedness across columns and rows and allocating column widths and row heights to any lopsidedness in columns and rows based on ModDSR values or on values obtained by using the ModDSR values. Therefore, we find Appellants' argument not to be persuasive because the Examiner found, and we agree, that Harada meets this limitation by disclosing "the conditional allocation of column widths or row heights based on space required by content, i.e., lopsidedness; at Col. 61, l. 32-Col.62, l. 64." (Answer 17).

Appellants further argue that "Harada does not disclose an "X or Y axis restrictive condition" (Appeal Br. 25)

The Examiner however maintains that Harada in another embodiment discloses "'a restrictive condition such that the number of display units along one display axis is set as large as possible is selected as one particular cell layout restrictive condition...'" (see Harada at col. 61, l. 41-45)." (Answer 8). Our review of Harada at this section reveals that Harada discloses a restrictive condition in that "the number of display units along one display axis is set as large as possible...." We thus find Appellants' argument not persuasive because we interpret the disclosed "one display axis" in Harada to mean one of the X or Y axes.

We thus affirm the rejection of claim 17.

Claim 22.

The Examiner found with respect to step b of claim 22 that:

Harada teaches checking whether the
predetermined two dimensional display space is
adequate for displaying the information array

elements in a matrix format, since Harada teaches determining the optimum size of a cell related to a display area and adjusting the size of adjacent cells (Fig. 56; Col. 56, I. 46-Col. 57, I. 29) as well as reducing the font size of text elements to an optimum size (Col. 27, I. 35-Col. 28, I. 48). Similarly, Harada teaches displaying the elements in the space allocated to the corresponding cells.

(Answer 19-20).

In reply, Appellants only argue that Harada does not disclose this limitation. (Reply Brief 4). A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim. See, 37 C.F.R. § 41.37 (c)(1)(vii) (2004) We therefore will sustain the rejection of claim 22 based on the findings made by the Examiner.

We also affirm the rejections of dependent claims 18-21, 23 and 24 since Appellants have not challenged such with any reasonable specificity (see *In re Nielson*, 816 F.2d 1567, 1572 (Fed. Cir. 1987)).

*Claims 1 and 25 rejected under 35 U.S.C. § 103(a) using
Harada in view of Shin*

Claims 1 and 25 recite in pertinent part:

- (b) moderating the DSR value of at least one element to determine its moderated display space requirement (ModDSR) value, wherein said moderating step comprises:
 - (i) selecting an element whose DSR value is larger than the DSR value of at least one element in the column or row to which said element corresponds; and
 - (ii) reducing the DSR value of the selected element

such that the amount of reduction depends on the difference between the DSR value of said element and a value representative of the DSR values of the elements corresponding to the column or row to which said element corresponds;....

The Examiner found that Harada does not disclose this feature, but found that it is disclosed by Shin (Answer 9). In so doing, the Examiner cites to Shin at “(col. 19, l. 45-col. 23, l. 40; col. 26, l. 6-22; col. 38, l. 37-54; col. 45, l. 30- 50; claims 1 and 10)” as disclosing this feature (Answer 9).

We have reviewed each of the portions of Shin cited by the Examiner above, and do not find where the required elements of part (b)(i)-(ii) of claims 1 and 25 is disclosed or made obvious by Shin. Specifically, Shin at col. 19, l. 45-col. 23, l. 40, col. 26, ll. 6-22, col. 45, l. 30-50, and in claims 1 and 10, discloses a simplex table used in conjunction with linear programming which ultimately results in a list whereby an optimum parameter corresponding to a minimum value of an objective function is acquired, but is not based on any difference between the DSR value and a value representative of the DSR values of the elements corresponding to the column or row to which an element corresponds. Likewise, in col. 38, ll. 37-54, Shin discloses maximum or minimum of register objective functions are searched, rather than determining the difference between the DSR value and a value representative of the DSR values of the elements corresponding to the column or row to which an element corresponds.

Accordingly we will not sustain the rejection of claims 1 and 25. Since claims 2-16, 26, 27, and 28, depend from claims 1 and 26, and since

Appeal 2009-004523
Application 10/020,909

we cannot sustain the rejection of claims 1 and 26, the rejection of claims 2-16 and 26-28 likewise cannot be sustained.

CONCLUSIONS OF LAW

We conclude that the Examiner did not err in rejecting claims 17-24 under 35 U.S.C. § 102(e) as being anticipated by Harada.

We conclude that the Examiner did err in rejecting claims 1-16 and 25-28 under 35 U.S.C. § 103(a) as being unpatentable over Harada in view of Shin.

DECISION

The decision of the Examiner to reject claims 17-24 is **AFFIRMED**.

The decision of the Examiner to reject claims 1-16 and 25-28 is **REVERSED**.

AFFIRMED-IN-PART.

MP

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